

Message

From: Bujak, Charissa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7145378C12F43DF9E2BF70E7D951196-BUJAK, CHAR]
Sent: 5/23/2017 9:17:55 PM
To: Peak, Tracy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d91e8031a31646439c7a33829c4ec926-Degering, Tracy]
Subject: RE: Question about Cow Creek Mitigation site (UNCLASSIFIED)

Thanks! In Carla's files I found the following reports for Thorncreek to Moscow; I have them at my desk and in the corner if you want to grab/ peruse anytime!

- 1) Vegetation technical reports
- 2) Floodplain technical report
- 3) Wetland delineation technical report- Draft EIS
- 4) Draft EIS and Section 4f evaluation dates Mar 12 2013

From: Peak, Tracy
Sent: Tuesday, May 23, 2017 3:15 PM
To: Bujak, Charissa <bujak.charissa@epa.gov>
Subject: FWD: Question about Cow Creek Mitigation site (UNCLASSIFIED)

Prior email exchange re: US 95 Thorncreek to Moscow:

From: DeGering, Tracy
Sent: Thursday, September 17, 2015 4:29 PM
To: Somers, Elaine <somers.elaine@epa.gov>
Subject: RE: Question about Cow Creek Mitigation site (UNCLASSIFIED)

Agreed. If we aren't successful via the NEPA process, there's always the 404 permit process. (Wishful thinking?)

From: Somers, Elaine
Sent: Thursday, September 17, 2015 4:14 PM
To: DeGering, Tracy
Subject: RE: Question about Cow Creek Mitigation site (UNCLASSIFIED)

Ok, thank you, Tracy. I appreciate all your efforts – and as under #2 below, it may take some active involvement to recommend ways to avoid and minimize?

From: DeGering, Tracy
Sent: Thursday, September 17, 2015 2:35 PM
To: Somers, Elaine
Subject: RE: Question about Cow Creek Mitigation site (UNCLASSIFIED)

A couple quick thoughts:

1. The 2008 Mitigation Rule recommends the use of mitigation banks as the first preferred choice (if/when available for the project area)—due to a higher success rate of those wetlands being fully functional and continually monitored. Restoration (aka permittee-responsible mitigation) is also great and certainly appropriate, but ranks a little lower.

Here's the order: "There are three mechanisms for achieving the four methods of compensatory mitigation (listed in order of preference as established by the regulations): mitigation banks, in-lieu fee programs, and permittee-responsible mitigation."

Source: http://water.epa.gov/lawsregs/guidance/wetlands/wetlandsmitigation_index.cfm#facts.

2. I will likely comment on the fact that although they may have available credits to mitigate for the loss of aquatic resources, they must still avoid and minimize their impacts *before* they compensate. They can't just leap forward and say "we have plenty of credits, so it's all good." They haven't directly said this, but I've picked up on a vibe that they may be thinking this way?

Still working on my comments... had a few interruptions today (unlike when I was teleworking yesterday).

-----Original Message-----

From: Somers, Elaine

Sent: Thursday, September 17, 2015 3:16 PM

To: DeGering, Tracy

Subject: RE: Question about Cow Creek Mitigation site (UNCLASSIFIED)

Thank you, Tracy! So glad to have this information. That is one comment we won't have to make, however, it concerns me that we are making the project area more void of aquatic resources when they are needed there to support the remaining native species and ecological processes that we hope to restore/maintain/re-connect to the extent feasible. There are Palouse prairie restoration sites in the project area. Your thoughts?

Elaine

-----Original Message-----

From: DeGering, Tracy

Sent: Thursday, September 17, 2015 8:56 AM

To: Braspennickx, Nicholle M NWW

Subject: RE: Question about Cow Creek Mitigation site (UNCLASSIFIED)

Thanks, Nicholle- this information is very helpful. This level of detail is not provided in the FEIS (unless I've overlooked something), so we were left with some questions.

I am aware that you are ITD's liaison, but I'm used to Greg being the point of contact for mitigation banking. My apologies for not contacting you first.

Thanks again!

Tracy

-----Original Message-----

From: Braspennickx, Nicholle M NWW [mailto:Nicholle.M.Braspenn@usace.army.mil]

Sent: Thursday, September 17, 2015 9:14 AM

To: DeGering, Tracy

Subject: RE: Question about Cow Creek Mitigation site (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Cow Creek Mitigation Site was performed in 2004-2006 while US 95, Top of Lewiston Hill to Genesee and then US 95, Genesee to Thorn Creek were being built. The Mitigation site is approx. 11 acres - cost approx. 2 Million to construct and maintain - and is visible on Google Earth. The Mitigation site is for the entire US 95 Top of Lewiston to Moscow project (so it is to compensate for anticipated impacts in the proposed US 95, Thorn Creek to Moscow project). The Corps has written ITD deeming the mitigation site as successful. Since then, ITD has transferred the mitigation site to

the City of Genesee. If in permit evaluation, ITD and the Corps see a need for more compensatory mitigation - then the Valencia Bank can provide the compensatory credits.

Beavers have moved in to the mitigation site and rearranged the woody vegetation and hydrology. People use the trail around the site all the time.

Top of Lewiston Hill to Genesee was an Individual Permit. Genesee to Thorn Creek was a subsequent Individual Permit. Eventually, when ITD comes in for Thorn Creek to Moscow - it too will be an Individual Permit. Perhaps that will be in 2017.. we'll see.

Hope this helps. It has been me and Duane Mitchell in our Walla Walla Office that have worked on these projects. If you were referring to Greg Martinez - he wasn't involved at all on these projects. I've been ITD's liaison since 2000.

Yours Truly,

Nicholle B.
433-4461

-----Original Message-----

From: DeGering, Tracy [mailto:DeGering.Tracy@epa.gov]
Sent: Thursday, September 17, 2015 8:54 AM
To: Braspennickx, Nicholle M NWW
Subject: [EXTERNAL] FW: Question about Cow Creek Mitigation site (UNCLASSIFIED)

Hi Nicholle,

I managed to stump Greg, so I am hoping you can offer a few (very brief) details about ITD's use of the Cow Creek Mitigation Area for their US-95 Thorncreek to Moscow project. We are preparing comments on the FEIS (due Monday- we received a 1 week extension).

Thanks much!
Tracy

-----Original Message-----

From: Martinez, Greg J NWW [mailto:Greg.J.Martinez@usace.army.mil]
Sent: Thursday, September 17, 2015 8:49 AM
To: DeGering, Tracy
Subject: RE: Question about Cow Creek Mitigation site (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Tracy,

Actually I know nothing about this mitigation site. You will need to talk with Nicholle.

Greg

-----Original Message-----

From: DeGering, Tracy [mailto:DeGering.Tracy@epa.gov]

Sent: Thursday, September 17, 2015 8:46 AM
To: Martinez, Greg J NWW
Subject: [EXTERNAL] Question about Cow Creek Mitigation site

Hi Greg,

I am curious what general details you might have about the Cow Creek Mitigation area. I am told that ITD constructed these wetlands to mitigate for a past violation. ITD is now proposing to use credits from this mitigation site for their US-95 Thorncreek Road to Moscow project. We are concerned about this same site being used twice. Perhaps ITD created an excess of wetlands than what was needed to resolve their violation, and the excess credits are what would be used?

I believe Nicholle is the PM for this project, but I was hoping you could update me on the mitigation piece. (You can't retire until we've all had a chance to absorb your years of experience/knowledge.)

Thanks!

Tracy

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